

April 25, 2022

To: MK Gilad Karis, Chairman of the Constitution, Law and Justice Committee, and its members

Zulat's Proposed Amendments to Elections Law (Propaganda Methods) Addressing Fake News

This position paper is submitted to the Knesset's Constitution, Law and Justice Committee by Zulat for Equality and Human Rights ahead of the discussion to be held today, 25 April 2022, on the amendments proposed by MK Karib to the Election Law (Propaganda Methods). Zulat's proposed amendments to this law pertain to the efforts to defraud voters, pursuant to its comprehensive study: [Fake News and the Violation of Human Rights: Challenges and Responses](#).

The spread of the fake news phenomenon has quickly become one of the main threats to democratic regimes, and to human and civil rights around the world and in the State of Israel. Following the proliferation of social media platforms on the Internet, the spread of fake news has become unprecedentedly massive and rapid in human history. In order to deal with the phenomenon, existing mechanisms in Israeli legislation must be strengthened.

Zulat's proposals for legislative amendments to the Election Law (Propaganda Methods) are intended to update and reinforce existing provisions of the law and adapt them to the fight against the spread of fake news aimed at disrupting democratic and free elections, while at the same time addressing and remaining sensitive to the need for freedom of expression.

The proposals regulate in legislation the decisions of the chairmen of the Central Election Commission, Judges (retired) Hanan Meltzer and Elyakim Rubinstein, regarding the applicability of key provisions in the Election Law (Propaganda Ways), 5719-1959, also on the Internet (TBK 16/19 The Jewish Home and Adv. Shachar Ben Meir (8/21), thus improving the adaptation of the law to the reality of recent years, in which a significant portion of election propaganda is distributed on the Internet, as well as regulating its oversight.

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Retired President Dorit Beinisch is running for office, but is focused on the issue of false information.

These are the proposals that the Other Institute proposes to amend the law:

- It is proposed to amend the provisions of section 10 of the Election Law (Propaganda Methods), 5719-1959, and to apply the disclosure and identification obligations set forth in subsections (a) (3) and (b) (5), as amended, also to online advertisements. Or distributed by any other electronic means, including text messages.
- It is proposed to amend the Election Law (Ways of Propaganda), 5719-1959, and to add a clause according to which in the 14 days before the election (the same period to be determined in section 15 (a) (d) regarding television propaganda), no election propaganda will be published online or By any other electronic means, including text messages, by the parties or lists of candidates not approved by the Chairman of the Central Election Commission It is proposed that the Chairman of the Central Election Commission may refuse to grant approval under this section The rest, on the grounds that the election propaganda violated a provision of the provisions of this law or the provision of section 126 (7) of the Knesset Elections Law [combined version], 1969. It is also proposed that the Chairman of the Central Election Commission may also consider in its decision the segmentation and scope of its population intended for election propaganda, which is significantly examined in light of recent attempts to suppress or encourage voting among specific population groups through selective distribution of false or misleading or partial information. Given the importance of a free and lively public and political debate, it is not proposed to ban online election propaganda before 14 days before the election, during this period (between 90 days and 14 days before the election), all other restrictions in this proposal will apply to disseminating false news.
- It is proposed to amend the provision of section 13 of the Election Law (Propaganda Ways), 5719-1959, and to add a definition of "unfair interference", which will also include the publication and dissemination of false information, including on the Internet or in any other way. Done in recent years in the election campaigns in Israel and other countries by parties and political candidates.

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The purpose of these proposals is to strengthen the legislation in the State of Israel in order to prevent the bad harm of false information in the context of the country's election campaigns, in order to protect their democratic existence and freedom and human rights.